



Talbot County Planning Commission
Final Decision Summary

Wednesday, March 1, 2017 at 9:00 a.m.

Wye Oak Room, Community Center

10028 Ocean Gateway, Easton, Maryland

Attendance:

Commission Members:

William Boicourt, Chairman

John N. Fischer, Jr., Vice Chairman

Michael Sullivan

Paul Spies

Phillip "Chip" Councell-absent

Staff:

Miguel Salinas, Assistant Planner

Elisa Deflaux, Environmental Planner

Mike Mertaugh, Assistant County Engineer

Victoria Rachel, Temporary Recording Secretary

1. Call to Order—Commissioner Boicourt called the meeting to order at 9:00 a.m.

2. Decision Summary Review—February 1, 2017—The Commission noted the following corrections to the Draft Decision Summary:

- a. Line 238 was amended to read "Mr. Spies explained that in today's hearing the Planning Commission did not have any jurisdiction over land use."

Commissioner Fischer moved to approve the draft Planning Commission Decision Summary for February 1, 2017 as amended; Commissioner Sullivan seconded the motion. The motion carried unanimously.

3. Old Business

None

4. New Business: Prior to taking comments from the applicants, Commissioner Boicourt informed the applicants of the rules when four Planning Commission members are present. He informed them that they had the option to withdraw their applications without prejudice until such time when all five of the Planning Commission members were present, or they could continue with the proceedings; a two, two vote is a negative vote; the applicants chose to move forward with the proceedings though Commissioner Councell was absent.

- a. Administrative Variance—(Thomas and Ann Scully), #A 232—28271 Widgeon Terrace, Easton, MD 21601(map 42, grid 8, parcel 145, zoned Rural Residential), Zach Smith, Esquire, Agent.

Elisa Deflaux presented the staff report of the applicant's request for an Administrative Variance to expand a legal non-conforming primary dwelling located within the 100 ft.

53 Shoreline Development Buffer by approximately 156 sq. ft., or roughly 6% of the existing
54 GFA within the Shoreline Development Buffer. The specific proposed improvements are
55 annotated as follows:

- 56 1. 156 sq. ft. of new gross floor area for a vertical expansion for a bath and bedroom
57 remodel.

58
59 Staff recommendations include:

- 60
61 1. The applicant shall make an application to the Office of Permits and
62 Inspections, and follow all rules, procedures, and construction timelines as
63 outlined regarding new construction.
64 2. The applicant shall commence construction of the proposed improvements
65 within eighteen (18) months from the date of the Planning Office's 'Notice to
66 Proceed'.

67
68 Mr. Bruce Armistead, Esquire, and Mr. Zach Smith, Esquire, represented the applicants
69 Thomas and Ann Scully. In his brief overview of the applicant's request, Mr. Armistead
70 extended apologies on behalf of Mr. and Mrs. Scully who had a previous engagement
71 outside of the country. Mr. Armistead indicated that the Scully's project was a two part
72 construction project but only one part would be discussed in the meeting of March 1,
73 2017. He stated that there had been some confusion over the past year about exactly
74 what approvals were required. Consequently, the Zoning Office stopped the construction
75 of the portion of the project that was not approved. With help from the architect,
76 Stephanie Dimond, and Lane Engineering, LLC, an application was prepared to present
77 to the Planning Commission in a timely manner.

78
79 Ms. Stephanie Dimond, the architect for the project, was introduced to the Planning
80 Commission. She said she worked with Dimond Adams Design Architecture in
81 Alexandria, Virginia.

82
83 Mr. Smith, in his presentation, gave a pertinent description of the Scully's property. He
84 stated that the Scullys proposed to make some renovations and relatively minor
85 expansions to their four bedroom house that would suit the Scully's family and lifestyle.
86 Mr. Smith explained that the Scullys purchased the residence before the County adopted
87 its Critical Area program and established the 100 ft. Shoreline Development Buffer. As
88 a result, much of the existing residence is within the buffer. The agent further explained
89 that the applicants proposed to expand an existing bedroom and make room for a new
90 upper story bathroom. He further stated that the expansion will be no closer to the
91 shoreline than the existing structure, and would not extend beyond the current footprint.

92
93 Ms. Stephanie Dimond gave several details about the reconfiguration of the house. She
94 stated that the house has had some additions over the years and opined that those
95 additions were not always logical. Ms. Dimond indicated that one of the applicants'
96 goals is to create a more unified appearance of the structure without losing its original
97 character. The architect for the project explained that the Scullys desired to add a

98 kitchen since the existing one needs much improvement. She further stated that the
99 proposed kitchen would be located outside the buffer, rather than add to the existing
100 footprint, and would be connected to an enclosed breezeway.

101
102 Following Ms. Dimond's presentation, Mr. Smith gave several reasons why the
103 bedroom expansion could not be accommodated in the area of the proposed kitchen.
104 One of those reasons was the aesthetics of the structure. The historic character of the
105 home would be compromised if a second floor breezeway was created. Mr. Smith
106 further explained that adding a second floor breezeway would require an additional
107 penetration in the existing structure which would detract from the historic character of
108 the home and would not harmonize with the Scully's construction plan. The other reason
109 was that the existing bedroom is partially located within the buffer; the proposed kitchen
110 would be completely outside the buffer.

111
112 Mr. Smith also explained that the Scully's construction project was already underway.
113 He informed the Planning Commission that it was not their team's intent to sidestep the
114 County's rules and processes. Both Mr. Smith and Mr. Armistead indicated that much
115 discussion had taken place, over a period of time, between the agent and The
116 Department of Environmental Health about the additions and changes to the plan. Mr.
117 Smith acknowledged that as a result, the need for an administrative variance was
118 overlooked. He further stated that a building permit was issued for the project in
119 question, based on the entire set of plans including the second floor addition, but there
120 was a note attached to the permit that the agent did not see. Mr. Smith stated that the
121 contractor, Mr. J. Chance, in good faith began to work on the project until the County
122 conducted an inspection and informed the team that an administrative variance was
123 needed. Mr. Smith indicated that at that point, work ceased on the project in order to
124 submit to the process of obtaining an administrative variance.

125
126 Mr. Fischer asked for clarification on K factor soil in relation to buffer expansion.
127 Ms. Deflaux explained that those soils were highly erodible. She further clarified that a
128 highly erodible soil with a slope of 5% or greater, caused the buffer to be pushed back
129 beyond the 100 ft. buffer.

130
131
132 Commissioner Boicourt asked for public comments; none were made.

133
134 **Commissioner Spies moved to recommend to the Planning Officer to grant the**
135 **administrative variance for Thomas and Ann Scully, 28271 Widgeon Terrace,**
136 **Easton, MD 21601 for further expansion of 156 sq. ft. gross floor area, provided**
137 **compliance with staff recommendations occurs. Commissioner Sullivan seconded.**
138 **The motion carried unanimously.**

139
140 Mr. Fischer asked Ms. Deflaux to communicate to CodeWright that this vertical
141 expansion was not an expansion of the footprint, and it was a matter that should be
142 addressed administratively in the code update. Ms. Deflaux agreed and stated that there

143 had been a discussion about several minor expansions that could be done
144 administratively.

- 145
146
147 b. Preliminary Major Revision Plat and Lot Size Waiver-Rodney Nelson and Bobbi Nelson
148 #L1268-30716 Taylor Road, Trappe, MD 21673 (map 55, grid 10, parcel 96 and 46,
149 zoned Rural Conservation/Agricultural Conservation), Robert M. Hughes & Associates
150 Inc., Agent.

151
152 Ms. Deflaux presented the staff report of the applicant's request for a preliminary
153 approval of a major revision plat and a lot size waiver for the adjustment of lot lines. A
154 Lot Size Waiver for the Rural Conservation (RC) area is required to add approximately
155 8 acres of Critical Area to the 9.07 acres resulting in approximately 17 acres of critical
156 area on Revised Lot 96.

157
158 Staff recommendations include:

- 159
160 1. The applicants address comments identified at the February 8, 2017, TAC meeting.

161
162 Mr. Robert Hughes, the agent for the project, and one of the property owners, Mr.
163 Rodney Nelson were present. By way of comments, Mr. Nelson stated that he wanted to
164 request a preliminary final. After Mr. Boicourt inquired, he was assured by staff that it
165 was okay for the applicant to make that request.

166
167 The Commission acknowledged that they had seen this application before.
168 Mr. Mike Mertaugh interjected that the only reason this project was before the Planning
169 Commission was because the code requires it since it was a modification to a private
170 road. Mr. Mertaugh also stated that it was a subject that staff should consider discussing
171 with CodeWright. Mr. Fischer asked if the property would remain an agricultural field
172 and was told it would.

173
174 Commissioner Boicourt asked for public comments; none were made.

175
176
177 **Commissioner Spies moved to grant the approval for Preliminary and Final Major**
178 **Revision Plat to 30716 Taylor Road, Trappe, Maryland for Rodney and Bobbi**
179 **Nelson with all staff conditions being complied with. Commissioner Sullivan**
180 **seconded. The motion carried unanimously.**

181
182 **Commissioner Sullivan moved to recommend to the Planning Officer to grant a lot**
183 **size waiver for subject property 30716 Taylor Road, Trappe, Maryland, to Rodney**
184 **and Bobbi Nelson, and Defenders Packing Company. Commissioner Fischer**
185 **seconded. The motion carried unanimously.**

186
187 **5. Discussions Items**

None

6. Staff Matters

Update NextStep 190

Mr. Miguel Salinas, the new Assistant Planning Officer, appeared before the Planning Commission for the first time. In giving an update on NextStep 190, Mr. Salinas indicated that he, along with Mary Kay Verdery, and staff, recently participated in extensive hours of conversations with the consultant, CodeWright. The interactions involved a section by section analysis of the Zoning Ordinance. Mr. Salinas also reported that the conversations were moving into the code assessment phase which would provide a summary of all the comments, suggestions, amendments, and suggested deletions to the ordinance. Mr. Salinas further stated that the code assessment document would consist of an overall direction of recommended changes to the ordinance as well as options and alternatives to address all recommendations. Such recommendations were obtained from citizens through Public Listening Sessions, staff, and CodeWright. CodeWright's draft of the code assessment document will be sent to the Planning and Zoning staff by March 14, 2017, for review. Staff's responses are expected to be forwarded to CodeWright by March 28, 2017. The Assistant Planning Officer said that a public draft of the code assessment manuscript is expected to be posted online by April 3, 2017.

Mr. Salinas gave a tentative schedule of CodeWright's presentation of the code assessment document which will occur over a period of three days. The schedule for the public meetings was itemized as follows:

April 17, 2017 in the evening

April 18, 2017 in the morning

April 18, 2017 in the evening

Mr. Salinas asked the Planning Commission to reserve the evening of April 19, 2017 for a joint work session with the County Council as CodeWright would like to present to both groups the code assessment document along with a summary of all the public review comments received up to that date. In response to a question as to the time of the meetings, Mr. Salinas stated that whilst CodeWright had confirmed the three dates given, the times of the meetings were still being discussed. Mr. Salinas also stated that both he and the Planning Officer made it very clear to CodeWright that this exercise was about updating the code versus rewriting it. Mr. Salinas said that such an understanding on the part of the consultant would be evidenced by the code assessment document they produce.

Mr. Lee Waggoner, who was part of the audience, asked to comment and was permitted by the Chairman, Commissioner Boicourt, to do so. Mr. Waggoner stated that he was a

233 resident of Easton Club, in Easton, Maryland, and expressed interest in the code update.
234 He wanted to know how much input the public had so far in the code update process. Ms.
235 Deflaux response was that there had been some public input which was communicated to
236 the consultant. Mr. Waggoner, after being asked, indicated that he was concerned about
237 the noise control ordinance and wanted to know if that would be addressed. He expressed
238 that the code update was a good opportunity to make it easier for Planning and Zoning to
239 enforce and maintain the high quality of life in the County and in the Town of Easton. He
240 expressed concern about the noise level from the dirt bike track.
241 Ms. Deflaux stated that the noise control ordinance was under consideration to be
242 rewritten. Commissioner Boicourt encouraged Mr. Waggoner to participate in any of the
243 CodeWright public sessions that have been scheduled. After Mr. Waggoner's comments,
244 Mr. Mertaugh introduced Mike Corey, a relatively new engineer to the Public Works
245 Department, to the Planning Commission.
246

247 **7. WorkSessions**

248 None

249 **8. Commission Matters**

250 None

251 **9. Adjournment**—Commissioner Boicourt adjourned the meeting at 9:35 a.m.
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